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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 JAVIER ENCINAS,
15 Defendant.

Case No. 2:21-cr-00263-GMN-EJY-1

**STIPULATION TO CONTINUE
BENCH TRIAL**
(First Request)

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17 IT IS HEREBY STIPULATED AND AGREED, by and between Christopher Chiou,
18 Acting United States Attorney, and Supriya Prasad, Assistant United States Attorney, counsel
19 for the United States of America, and Rene L. Valladares, Federal Public Defender, and
20 Aden Kebede, Assistant Federal Public Defender, counsel for Javier Encinas, that the bench
21 trial currently scheduled on December 29, 2021 at 9:00 am, be vacated and continued to a date
22 and time convenient to the Court, but no sooner than ninety (90) days.

23 This Stipulation is entered into for the following reasons:

24 1. Additional time is needed for defense counsel to confer with the defendant
25 regarding a pending plea agreement that will resolve the underlying charges globally.

26 2. Mr. Encinas is in custody and agrees with the need for continuance.

1 3. Additionally, denial of this request for continuance could result in a miscarriage
2 of justice. The additional time requested by this Stipulation is excludable in computing the time
3 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
4 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code
5 § 3161(h)(7)(B)(iv).

6 This is the first request for a continuance of the bench trial.

7 DATED this 16th day of December, 2021.

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9 RENE L. VALLADARES
10 Federal Public Defender

 CHRISTOPHER CHIOU
 Acting United States Attorney

11 /s/ Aden Kebede
12 By _____
13 ADEN KEBEDE
 Assistant Federal Public Defender

 /s/ Supriya Prasad
 By _____
 SUPRIYA PRASAD
 Assistant United States Attorney

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 JAVIER ENCINAS,

7 Defendant.

Case No. 2:21-cr-00263-GMN-EJY-1

8 FINDINGS OF FACT, CONCLUSIONS
9 OF LAW AND ORDER

10 FINDINGS OF FACT

11 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
12 Court finds that:

13 1. Additional time is needed for defense counsel to confer with the defendant
14 regarding a pending plea agreement that will resolve the underlying charges globally.

15 2. Mr. Encinas is in custody and agrees with the need for continuance.

16 3. Additionally, denial of this request for continuance could result in a miscarriage
17 of justice. The additional time requested by this Stipulation is excludable in computing the time
18 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
19 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code
20 §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

21 This is the first request for a continuance of the bench trial.
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1 **CONCLUSIONS OF LAW**

2 The ends of justice served by granting said continuance outweigh the best interest of the
3 public and the defendant in a speedy trial, since the failure to grant said continuance would be
4 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the
5 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into
6 account the exercise of due diligence.

7 The continuance sought herein is excludable under the Speedy Trial Act, Title 18,
8 United States Code, Section 3161(h)(7)(A), when the considering the facts under Title 18,
9 United States Code, § 316(h)(7)(B)(iv).

10 **ORDER**

11 IT IS THEREFORE ORDERED that the bench trial currently scheduled on Wednesday,
12 December 29, 2021, at 9:00 a.m., be vacated and continued to April 13, 2022 at the hour
13 of 9:00 a.m., in Courtroom 3D.

14 DATED this 16th day of December, 2021.

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17 UNITED STATES MAGISTRATE JUDGE
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